



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

In re Application of:
Kucherlapati et al
Serial No. 08/031,801
Filed: March 15, 1993
For: GENERATION OF
XENOGENEIC ANTIBODIES

Paper Number 35
DECISION ON PETITION

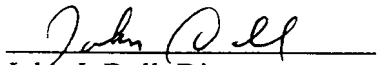
MAILED
DEC 13 1996
OFFICE OF DIRECTOR
GROUP 1800

The Petition filed November 13, 1996 under 37 CFR 1.181 requests administrative review by the Assistant Commissioner for Patents of a decision made by the Director of Examining Group 1800 as part of the day-to-day functioning of the Examining Corps. While the Assistant Commissioner for Patents may review, at a Petitioner's request, a Group Director's Decision, any further review of a Director's Decision is a matter which lies within the sound discretion of that higher level official and is not a matter of right. See *In re Staeger*, 189 USPQ 284, 284-285 (Comm'r Pat. 1974). The instant Petition has been referred to the Director of Group 1800 for treatment as a Request for Reconsideration. This action has been taken to permit the Director to expand his Decision to provide a complete statement of the underlying reasons for the Decision based upon the totality of the circumstances considered when rendering the original Decision of September 26, 1996.

The Petition is Granted to the extent that the Director will request that jurisdiction of Application Serial Number 08/031,801 be returned to Group 1800 and that the interference as proposed will not be declared.

The Petition is Denied to the extent that said Application will not be immediately passed to issue because of a potential conflict.

When the application is returned to the jurisdiction of Group 1800, prosecution will be suspended.


John J. Doll, Director
Patent Examining Group 1800

Pennie & Edmonds
1155 Avenue of the Americas
New York, NY 10036